

MEMORANDUM

To: Planning & Zoning Commission
Town of Darien, CT

From: Glenn Chalder, AICP

Date: November 30, 2017

Subject: **Potential Business Zoning Amendments**
Darien Zoning Regulations

This Memorandum provides specific regulatory language to implement changes to the business zones in Darien as:

- recommended in the 2016 Plan of Conservation and Development, and
- endorsed by the Commission at the working session on May 16, 2017.

These changes are intended to:

- Reduce / simplify the number of business zones.
- Simplify the uses permitted in business zones.
- Update the use definitions.
- Revisit parking standards.

As this language is refined, Planimetrics will continue to work with Staff to refine the business zoning district boundaries.

The following topics are not included for discussion at this time:

- Clarify the permit process
- Update special permit criteria.

If the Commission is comfortable with the language provided and is comfortable moving ahead, we would propose to share the language more widely in order to identify any issues or concerns before moving towards a formal public hearing on adoption sometime in early 2018.

Part 1 – Zone Regulations

ARTICLE VI - BUSINESS ZONE REGULATIONS

As part of a comprehensive revision of the Business Zones and the Office Zones in 2018, all of the Business Zones and Office Zones were re-organized and renumbered starting at Section 720 in order to clearly demarcate when new language replaced previous language.

Cross-References

The following chart will aid in resolving any cross references between other Sections of the Regulations and the new Business and Office sections.

Prior Section Number	New Section Number
600 - Neighborhood Business Zone (NB)	780 – Neighborhood Business Zone (NB)
610 - Designed Business One Zone (DB-1)	760 – Designed Business Zone (DB)
620 - Designed Business Two Zone (DB-2)	760 – Designed Business Zone (DB)
630 - Designed Commercial Zone (DC)	770 – Designed Commercial Zone (DC)
640 – (none)	
650 - Central Business District Zone (CBD)	720 - Central Business District Zone (CBD)
660 - Service Business Zone (SB)	750 - Service Business Zone (SB)
670 - Service Business East Zone (SB-E)	750 - Service Business Zone (SB)
680 - Noroton Hts. Redevelopment Zone (NHR)	740 - Noroton Heights Zone (NH)
690 – CBD – Corbin Sub-Area	730 – CBD – Corbin Sub-Area (CBD-CS)
700 - Designed Office / Research Zones (DOR)	790 – Designed Office Zone (DO)
710 - Office Business Zone (OB)	790 – Designed Office Zone (DO)

ARTICLE VII – BUSINESS AND OFFICE ZONE REGULATIONS

SECTION 700. (reserved)

SECTION 710. (reserved)

SECTION 720. CENTRAL BUSINESS DISTRICT ZONE (CBD)

721. Background and Purposes

The Central Business District Zone is the Town's primary business area and is intended to be the focal point for retail and business and professional office activities with apartments encouraged on upper floors. These Regulations are designed to encourage the orderly development of this district in a manner which encourages the preservation of the existing architectural character of this zone and, at the same time, to provide the opportunity for creative and flexible architectural design. The sound inter-relationship of buildings to plazas and open spaces, provisions for proper pedestrian and vehicular circulation and consolidated central parking areas, and encouragement of a mix of housing and business uses which are necessary and desirable to serve the needs of the residential community are also specifically addressed in these Regulations. These Regulations are designed for Commercial Sales and Service uses (except for Financial Service uses) on the first floor areas and to provide sufficient spaces for Business and Professional Offices and encourage Dwelling Units in second floor spaces. The intent is to strengthen the viability of housing and retail business in the Central Business District and to foster pedestrian activity as fully as is practical.

No major changes are proposed to the CBD Zone at this time.

Structured parking is called out as a principal and/or accessory use allowed by Special Permit.

VILLAGE DISTRICT - We had talked earlier about designating the CBD Zone as a “village district” in order to give the PZC (and the ARB) greater aesthetic control over new development. If that is something the PZC wishes to do, this would be a good time to do it.

722. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services, except that Financial Service uses shall be located on upper floors.
- b. Business and professional offices, provided such uses are located on upper floors.
- c. Public and semi-public buildings and/or uses.
- d. Railroad stations and mass-transit facilities.
- e. Dwelling units located on upper floors.
- f. Medical or dental offices on upper floors.

Language has been added to separate medical / dental offices from business and professional offices.

723. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.

724. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Protected Town Landmarks.
- b. Restaurants.
- c. The sale of prepared food such as candy or ice cream for consumption on or off the premises.
- d. Financial Service and/or business and professional offices on the first floor, provided that the Commission makes a finding that the retail/commercial sales and service use (other than Financial Service uses) of such space is impractical, undesirable, and/or inconsistent with the standards under Subsection 1005h.
- e. Clubs and lodges.
- f. Personal service businesses.
- g. Structured parking per Section 907.

Language has been added to clarify that parking structures are permitted as a principal or accessory use.

725. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

- a. Food Service, Convenience.
- b. Structured parking per Section 907.

726. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	40
3. Minimum Lot Frontage	40
4. Minimum Lot Depth	100
5. Minimum Front Yard	None (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 (See Note d)
8. Maximum Height in Stories	2 (See Note e)
9. Maximum Height in Feet	28
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth.	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of all Dwelling Units	1,000 sq. ft. (See Note e).

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. No front yard required, except that within 100 feet of a Residential Zone, the setback shall be at least one-half that required in that Residential Zone. No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirement.
- c. None, except as follows:

- (1) If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
 - (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.
- d. As specified above, except as follows:
 - (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
 - (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.
- e. Two stories and 28 feet, except as follows: The Commission may specifically permit height to be increased to not more than three stories and 35 feet, provided that:
 - (1) An area of open space on the same lot, or on a separate lot within the same site plan, shall be reserved from building coverage and shall be developed and maintained by the owner as a plaza or mall space open to the general public, provided that the Commission may approve as plaza or mall space open space areas covered by an upper floor connecting two portions of the same structure, or by awnings, eaves, or similar appurtenances.
 - (2) The Commission shall first review and approve the Site Plan for the mall or plaza to determine that its location, layout, dimensions, planting, traffic, lighting, signs, drainage, utilities, and other features shall be in harmony with the convenient, orderly and attractive development of the business district; and
 - (3) A 2.5 to 1 ratio shall be utilized in determining gross floor area to be permitted for each square foot of open space developed as a plaza or mall.
- f. If more than 2 dwelling units, than at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required.

727. Special Controls

- a. This zone is subject to the special requirements for Dedication of Public Parking Areas. (See Subsection 1057.)
- b. The requirements for parking may be satisfied by donation of land to, and acceptance by, the Town for the municipal parking program subject to the requirements of Subsection 903.2.
- c. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- d. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

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SECTION 730. CBD – CORBIN SUB-AREA (CBD-CS)

731. Background and Purposes

The Central Business District Zone is the Town's primary business area and is intended to be the focal point for retail and business and professional office activities with apartments encouraged on upper floors. These Regulations are designed to encourage the orderly development of this district in a manner which encourages the preservation of the existing architectural character of this zone and, at the same time, to provide the opportunity for creative and flexible architectural design. The sound inter-relationship of buildings to plazas and open spaces, provisions for proper pedestrian and vehicular circulation and consolidated central parking areas, and encouragement of a mix of housing and business uses which are necessary and desirable to serve the needs of the residential community are also specifically addressed in these Regulations. These Regulations are designed for Commercial Sales and Service uses (except for Financial Service uses) on the first floor areas and to provide sufficient spaces for Business and Professional Offices and encourage Dwelling Units in second floor spaces. The intent is to strengthen the viability of housing and retail business in the Central Business District and to foster pedestrian activity as fully as is practical.

The area within the Central Business District and adjacent to the Interstate 95 (Connecticut Turnpike) right-of-way presents a unique opportunity for redevelopment on a larger scale, and in a manner that utilizes the proximity of the Interstate 95 (Connecticut Turnpike) right-of-way and entrances and exits at the Boston Post Road. The width of that right-of-way serves as a buffer to minimize the impact of larger structures from the residential zone to the south of the right-of-way. The Corbin Subarea also presents an opportunity to distribute traffic through the use of on-site streets and on-site parking. Accordingly, the Corbin Subarea regulations encourage comprehensive, mixed-use developments, with public greens and plazas, landscaped pedestrian plazas, public amenities, internal streets and off-street parking facilities sufficient to meet the parking requirements of a larger redevelopment. The Corbin Subarea regulations provide developers with an option to build larger projects under the subarea regulations, or projects under the CBD regulations.

No major changes are proposed to the Corbin Sub-Area at this time.

Structured parking is called out as a principal and/or accessory use allowed by Special Permit.

VILLAGE DISTRICT - We had talked earlier about designating the CBD Zone as a “village district” in order to give the PZC (and the ARB) greater aesthetic control over new development. If that is something the PZC wishes to do within the Corbin Sub-Area, this would be a good time to do it.

732. Permitted Principal Uses

Language has been added to separate medical / dental offices from business and professional offices.

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services, except that Financial Service uses shall be located on upper floors.
- b. Business and professional offices, provided such uses are located on upper floors.
- c. Public and semi-public buildings and/or uses.
- d. Railroad stations and mass-transit facilities.
- e. Dwelling units located on upper floors.
- f. Medical or dental offices on upper floors.

733. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.

734. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Protected Town Landmarks.
- b. Restaurants.
- c. The sale of prepared food such as candy or ice cream for consumption on or off the premises.
- d. Financial Service and/or business and professional offices on the first floor, provided that the Commission makes a finding that the retail/commercial sales and service use (other than Financial Service uses) of such space is impractical, undesirable, and/or inconsistent with the standards under Subsection 1005h.
- e. Clubs and lodges.
- f. Personal service businesses.
- g. Larger Developments. The term "Larger Developments" shall mean developments located entirely within the Corbin Subarea that are on development sites that are a minimum of 3 acres in area.
- h. Structured parking per Section 907.

Language has been added to clarify that parking structures are permitted as a principal use or as an accessory use.

735. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

- a. Food Service, Convenience.
- b. Structured parking per Section 907.

736. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	40
3. Minimum Lot Frontage	40
4. Minimum Lot Depth	100
5. Minimum Front Yard	None (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 (See Note d)
8. Maximum Height in Stories	2 (See Note e)
9. Maximum Height in Feet	28
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth.	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of all Dwelling Units	1,000 sq. ft. (See Note e).

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. No front yard required, except that within 100 feet of a Residential Zone, the setback shall be at least one-half that required in that Residential Zone. No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirement.

- c. None, except as follows:
 - (1) If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
 - (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.
- d. As specified above, except as follows:
 - (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
 - (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.
- e. If more than 2 dwelling units, than at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required.

737. Special Controls

- a. This zone is subject to the special requirements for Dedication of Public Parking Areas. (See Subsection 1057.)
- b. The requirements for parking may be satisfied by donation of land to, and acceptance by, the Town for the municipal parking program subject to the requirements of Subsection 903.2.
- c. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- d. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

738. Area and Bulk Regulations for Larger Developments within the Corbin Subarea

Larger Developments within the Corbin Subarea shall comply with the following area and bulk requirements. Dimensions are in feet unless otherwise indicated.

1. Minimum Site Area	3 acres (See Note a)
2. Minimum Lot Width	None (See Note a)
3. Minimum Lot Frontage	750 (See Note b)
4. Minimum Lot Depth	None (See Note a)
5. Minimum Front Yard	None (See Note c)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	See Note c
8. Maximum Height in Stories	See Section 738.1
9. Maximum Height in Feet	See Section 738.1
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth.	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of Dwelling Units	3,000 sq. ft.

Notes:

- a. Site area and frontage determine the width and depth of lots. A project site may consist of separately owned parcels, so long as they are contiguous.
- b. Lot frontage shall be the total frontage along lot lines that separate the development site from local streets.
- c. None, except as follows:
 - (1) Except in areas adjacent to the boundary along Connecticut Turnpike/Interstate 95, if a side or rear yard shall be provided, it shall be at least four feet, except where an access or service road shall be provided through a side or rear yard, in which case the yard shall be at least 20 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 10 feet provided the full 20 foot wide access shall be assured;
 - (2) Where the applicable building code requires greater than four feet of separation between buildings on separate parcels, the minimum side or rear yard shall be increased as necessary to meet the applicable building code.
 - (3) The minimum yard adjacent to the lot line separating the site from the Connecticut Turnpike/Interstate 95 right-of-way shall be 20 feet, except as provided in Note (c)(1).

- (4) Additional setback and stepback requirements for upper floors are set forth in Section 698.1.
- (5) Building appurtenances, such as eaves, awnings and marquees, located at least 8 feet above a sidewalk or 16 feet above the surface of a parking area or road shall not be subject to minimum yard requirements.

738.1. Buildings Heights and Setbacks and Streets in Larger Developments in the Corbin Subarea

Table format was modified to clarify that greater height requires greater setbacks,

- a. Maximum building heights within the Corbin Subarea shall comply with the following setbacks (see Section 233 “Height Zones—Corbin Subarea within the CBD Zone):

Maximum Building Height in Stories & Feet	3 stories / 50 feet	4 stories / 55 feet	5 stories / 70 feet
Setback from Boston Post Road	None	165 feet	210 feet in part and 300 feet in part See Note 1
Setback from Corbin Drive	None	None	10 feet in part and 65 feet in part See Notes 1 & 2
Setback from Interstate 95	20 feet	20 feet	20 feet

Notes:

- (1) The exterior structure of the fifth floor of buildings located within 50 feet of Corbin Drive shall be stepped back not less than 10 feet from the building facade that faces Corbin Drive, and the exterior structure of the fifth floor of buildings located within 300 feet of Boston Post Road shall be a minimum of 65 feet from the street line along Corbin Drive.
- (2) In addition to the setbacks from Boston Post Road and Corbin Drive, 5 story buildings shall not be located farther than 280 feet from Corbin Drive.

- b. Building heights in the Corbin Subarea shall be calculated as follows:
 - (1) Building height shall be measured from the average elevation of the finished grade adjacent to the exterior walls of the building, in accordance with the definition of Building Height set forth in sections 210 and 225.
 - (2) Where portions of the same building are subject to different maximum building heights based on their location relative to the street line, building height shall be calculated for each portion of the building that is subject to a different maximum building height.
- c. The location and specifications of the on-site streets and service roads shall be consistent with the Town Plan of Conservation and Development.
- d. Internal streets and service roads may be privately owned and maintained.

739. Public Plazas

Developments within the Corbin Subarea shall include one or more on-site public plaza features that meet the criteria outlined in Section 687 (Public Plazas), with the only additional criteria being the following:

- a. Public plaza areas may be used for public events, such as concerts, farmers' markets, art shows, outdoor movies, and similar events, each event not to exceed 4 consecutive days in duration. Such uses shall be allowed without the need for separate zoning permits. Events longer than 4 consecutive days in duration shall require a special permit.

739.1. Off-Street Parking for Larger Developments within the Corbin Subarea

Developments within the Corbin Subarea shall include sufficient off-street parking facilities, subject to the following:

- a. Parking shall comply with the provisions of Section 900, except as otherwise provided in this Section 690.
- b. Parking structures located below grade shall not count as stories in determining building height or gross floor area.
- c. Off-street parking for residential and office tenants may be reserved for such tenants, provided the Commission finds that the remaining parking shall be sufficient for the other uses in the project.
- d. A parking study shall be performed by a qualified parking or traffic consultant, and shall include the following:
 - (1) The study shall identify the properties and uses of the development and other sites within the Corbin Subarea.
 - (2) The study shall use relevant shared parking guidelines and research, published by a reputable nationally-recognized organization, in the estimation of parking demand and shared parking factors by use and/or time of day for the subject development.
 - (3) Reductions for Alternative Transportation Services, Transit Oriented District, Off-Site Parking, On-Street Parking shall be considered in the analysis.
- e. A Parking Management Plan shall be submitted outlining the provisions to assure that parking is shared as projected in the parking study, and that the shared parking arrangement provides that all of the required number of parking spaces are within the Project limits. The Parking Management Plan shall include the following:
 - (1) A site plan showing parking spaces intended for shared parking and their proximity to the uses they will serve.
 - (2) Designation of parking areas reserved for particular uses or groups of uses, and signage directing parkers to the designated locations.
 - (3) A pedestrian circulation plan showing connections and walkways between parking areas and land uses.
 - (4) A written plan outlining practices that will support successful shared parking, including but not limited to, access controls and enforcement techniques.
- f. Section 226a design standards apply.

SECTION 740. NOROTON HEIGHTS ZONE (NH)

741. Background and Purposes

The Noroton Heights Zone is intended maintain the existing retail foundation of the Noroton Heights business area while encouraging the development of business and professional offices and dwelling units, including affordable units, in a pedestrian-friendly and transit-oriented area in recognition of the zone's proximity to mass transit and Interstate 95. These regulations are intended to encourage development that promotes safe pedestrian access to businesses by residents within the zone and from adjacent residential neighborhoods. At the sole discretion of the Commission, increased building height may be permitted to encourage the use of architectural design features such as peaked roofs and dormers to soften the appearance from adjacent residential properties. The intent is to strengthen the viability of retail business in the Noroton Heights commercial district, to offer a broader range of housing and office space with convenient access to transportation, to foster pedestrian activity as fully as is practicable, and to reduce reliance on individual motor vehicles to access the retail businesses.

New development within this zone shall require Special Permits in order to establish a pedestrian-friendly mixed use and transit-oriented area. It is imperative that new development properly manage and enhance stormwater management in this zone. No development or redevelopment will be permitted if it will result in increased adverse stormwater impacts on adjacent properties or adjacent streets. Any development or redevelopment must address drainage, traffic and pedestrian safety issues in the area.

742. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services.
- b. Business and professional offices, where such uses shall be located on the upper floor or floors of a structure.
- c. Public and semi-public buildings and/or uses.
- d. Medical or dental offices on upper floors.

This zone has been changed as follows:

- **Renamed from Noroton Heights Redevelopment Zone to Noroton Heights Zone.**
- **Changed from an “overlay” zone where people could opt in to a grounded zone (replaces Designed Commercial).**

743. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900. Structured parking may be permitted as an accessory use by Special Permit in accordance with Section 907.
- d. The outdoor storage and sale of seasonal merchandise on a temporary basis for products and in areas specifically approved by action of the Planning and Zoning Commission.

Language has been added to clarify that parking structures are permitted as a principal or accessory use.

744. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. All new site development and redevelopment under this Section 740 of the Zoning Regulations.
- b. Business and Professional Offices on the first floor provided they are limited to those service types of uses such as real estate, insurance, and securities brokerages; leasing; mortgage banking; banking; travel services and the like.
- c. Public and semi-public buildings and/or uses.
- d. Protected Town Landmarks.
- e. Restaurants.
- f. Any permitted use involving the sale of prepared foods whether intended for consumption on or off the premises.
- g. Dwelling units located on upper floors.
- h. Indoor recreation facilities.
- i. Personal service businesses.
- j. Structured parking per Section 907.

745. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	1/2 acre
2. Minimum Lot Width	150
3. Minimum Lot Frontage	150
4. Minimum Lot Depth	150
5. Minimum Front Yard	6 (See Note a)
6. Minimum Side Yard	None (See Note b)
7. Minimum Rear Yard	25
8. Maximum Height in Stories	3 (See Note c)
9. Maximum Height in Feet	45 (See Note c)
10. Maximum Building Coverage	35%
11. Minimum Front Landscape Depth	6 (See Note d)
12. Maximum Developed Site Area	85%
13. Maximum Density (Dwelling Units / Gross Acre)	12
14. Maximum Floor Area of each Dwelling Unit	1,200 sq. ft. (See Note e)

Notes:

- a. Minimum front yard of 6 feet required, except that within 50 feet of abutting residentially zoned properties, the front yard setback shall be at least one-half that required in the abutting residential zone.
- b. None, except as follows:
 - (1) If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the side yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet for each of the properties, provided the full 25 feet wide access shall be assured;
 - (2) Where a side yard abuts a Residential Zone, the minimum side yard shall be equal to the side yard requirement of the abutting Residential Zone.

- c.
 - (1) Buildings connected solely by basements or underground parking facilities shall be considered separate buildings for the purpose of calculating building height.
 - (2) If an applicant proposes one or more buildings that are higher than two stories or 30 feet, such applicant will be required to provide one or more on-site, public plazas or parks as provided in Section [747](#) of the Zoning Regulations.
- d. Sidewalks shall be allowed within the front landscaped area provided that the Commission finds that landscaping such as trees, within or adjacent to the sidewalks is acceptable.
- e. The Commission may increase the Maximum Floor Area of each Dwelling Unit from 1,200 square feet to a maximum of 1,500 square feet if they can make the required Special Permit findings in Section 1005a-g of the Darien Zoning Regulations. All dwelling units shall have no more than two (2) bedrooms. All on-site dwelling units shall comply with Section [746e](#) of the Regulations.

746. Special Controls

- a. At-grade parking areas may extend to within six (6) feet of a lot line except where it abuts a Residential Zone, in which case the minimum rear yard requirement set forth in Section [745](#) shall apply. Where pre-existing parking areas, structures or utility equipment are located closer to a lot line than required by this subsection (a), the Commission may approve new parking areas in the same location, provided that the Commission finds that adjacent screening shall be sufficient to minimize impacts to abutting properties.
- b. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- c. All uses shall be subject to Site Plan Approval in accordance with Section 1020.
- d. Display or storage of materials shall be in accordance with Subsection 373.
- e. If more than 2 dwelling units are provided in any building, then at least 30 percent of the total number of such dwelling units shall be limited to one bedroom.
- f. Structured parking per Section 907.

747. Public Plazas

The Commission may permit building height to be increased as provided in Note (c) of Section 745, provided that the proposed development includes one or more on-site public plazas that meet the following criteria:

- a. The total area of all on-site public plazas shall be not less than five (5%) percent of the total area of the lot being redeveloped, or 10,000 square feet, whichever is greater.
- b. The public plaza shall be reserved from building coverage and shall be developed and maintained by the owner, and open to the general public, provided that the Commission may approve as public plazas areas covered by an upper floor of adjacent structures, or an upper floor connecting two structures, or by awnings, eaves or similar appurtenances.
- c. Public plazas in the Noroton Heights Redevelopment Zone shall include seating and features such as a fountain, water cascade, or other water display, public art, or other comparable public amenity which is maintained by the property owner or their representative in operating condition throughout the year, except when weather conditions prohibit such operation.
- d. The area of at least one public plaza shall be at least 3,500 square feet in size, which can fit a box of at least 35 feet x 35 feet in size.
- e. Public plaza features shall not be reserved for exclusive use by any occupant or tenant of the redevelopment site.
- f. Commonly used areas such as sidewalks, parking areas, and the like shall not be included in the calculation of the total area of on-site public plaza features. Landscaped islands within a parking lot cannot count towards a public plaza unless they are 30 feet wide. A public plaza cannot be in a required buffer unless it provides public access into the site.
- g. For each public plaza, the Commission shall find that its location, layout, dimensions, landscaping, traffic, lighting, signage, drainage, utilities, and other features shall be in harmony with the convenient, orderly and attractive development of the Noroton Heights Redevelopment Zone.

SECTION 750. SERVICE BUSINESS ZONE (SB)

751. Background and Purposes

This zone is intended to provide in appropriate areas, for certain types of business uses which serve a community need or convenience ~~and are automobile-oriented or require outdoor sales or storage areas~~. It is the intention of these Regulations to protect and preserve existing SB districts for the continued provision of such services in a manner which will not be detrimental to the surrounding residential areas. The retention and/or creation of dwelling units is permitted in an effort to encourage affordable residential units. Specific design standards incorporated into this zone are established due to the unique location of this district and the types of uses permitted.

752. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services generally requiring external storage or activity.
- b. Public and semi-public buildings and/or uses generally requiring external storage or activity.
- c. Dwelling units located on the second floor of existing buildings not utilized for automotive services.

753. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs as permitted in Section 920.
- b. Off-street parking and loading in accordance with Section 900.

SB and SB-E zones are proposed to be merged to remove distinctions and create additional opportunities for appropriate development / redevelopment.

Text related to “automobile-oriented” and “outdoor sales and storage” has been removed from the purposes section.

Ask PZC

Does the PZC want to:

- require external storage or activity, or
- allow external storage or activity for those uses that want it.

754. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Commercial sales and services meeting the requirements outlined in Section 757g.
- b. Protected Town Landmarks.
- c. Restaurants provided that at least 1,200 square feet of indoor space shall be devoted to customer tables and seating area.
- d. Veterinary hospitals, clinics and indoor kennels.
- e. Hotel, motel or inn.
- f. Automotive services as defined in Section 210. The sale of vehicles, which would require a dealer's license from the State of Connecticut, shall not be permitted within 100 feet of an adjoining residential zone. An auto body repair shop shall not be permitted within 100 feet of an adjoining residential zone.
- g. Indoor recreation facilities.
- h. Dwelling units located on the first, or first and second floors of existing buildings not utilized for automotive services.
- i. Assisted Living Facility, Independent Living Facility or a combination thereof. See Section 758.
- j. Catering Business.
- k. Home improvement contractors, home improvement suppliers and other similar service contractors.
- l. Financial services with drive-through operations.

755. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

- a. Food Service, Convenience
- b. The outdoor storage and sale of seasonal merchandise on a temporary basis accessory to a commercial sales and services meeting the requirements outlined in Section 757g.

The consolidation of the SB and SB-E zones would allow the following uses in areas presently zoned SB (use only allowed in SB-E at present):

- the sale of vehicles and/or an auto body repair shop
- home improvement contractors, home improvement suppliers and/or other similar service contractors

The consolidation of zones would allow the following uses in areas presently zoned SB-E (use only allowed in SB at present):

- veterinary hospitals, clinics and/or indoor kennels
- hotel, motel or inn
- dwelling units located on the first, or first and second floors of existing buildings not utilized for automotive services
- assisted living facility, independent living facility or a combination thereof
- a catering business
- certain commercial sales and services uses

756. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	100
3. Minimum Lot Frontage	100
4. Minimum Lot Depth	100
5. Minimum Front Yard	30 (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 (See Note d)
8. Maximum Height in Stories	2
9. Maximum Height in Feet	25
10. Maximum Building Coverage	20%
11. Minimum Front Landscape Depth	6
12. Maximum Developed Site Area	80%

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. As stated above, except no parking shall be permitted in front of any building unless the building shall be set back from the street line at least 65 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirement.

The consolidation of the SB and SB-E zones would reduce the side yard requirement in the current SB-E area from 10 feet to zero feet (subject to the notes in the table).

The consolidation of the SB and SB-E zones would reduce the rear yard requirement in the current SB-E area from 25 feet to 20 feet (subject to the notes in the table).

The consolidation of the SB and SB-E zones would reduce the rear yard requirement in the current SB-E area from 18 feet to 6 feet (subject to the notes in the table). The regulations already allow the PZC to reduce it to 10 feet for a lot of 150 feet or less in depth.

- c. None, except as follows:
- (1) If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
 - (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.
 - (3) Where access to parking spaces shall be provided through a side yard, the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced to 12.5 feet provided the full 25 feet wide access shall be assured;
- d. As specified above, except as follows:
- (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
 - (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

757. Special Controls

- a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940. Front landscape area shall incorporate street trees. Buffer area shall be provided along residential property lines and/or zone lines in accordance with Section 940. Landscape buffer shall be maintained and enhanced along I-95.
- b. All uses shall be subject to Site Plan Approval in accordance with Section 1020. The following additional requirements shall apply in order to demonstrate architectural compatibility with adjacent areas:
- (1) Elevation drawings for each side of the building.
 - (2) A color rendering of the proposed structure(s) drawn from a perspective representing a view from street level and illustrating at least two facades of the building.
 - (3) Presentation of an architectural style which shall be compatible with any adjoining residential area by incorporation of design features such as pitched roof, appropriate exterior materials, fenestration, and site lighting.
 - (4) These materials shall be reviewed by the Architectural Review Board, together with any other information the Board may require. The Planning and Zoning Commission will not take any action on an application prior to receiving the ARB's report.

Section 944 of the Regulations requires a 25 foot buffer along all boundaries of a lot abutting a residential district.

If the PZC wishes to modify this requirement, this would be a good time to do it.

- c. Fences shall be required along the inside of screening and buffer areas adjoining residential uses to protect such areas. Exterior loudspeakers are prohibited on parcels adjoining a residential zone.
- d. Automotive Services shall be subject to the provisions of Subsection 1056.
- e. Display or storage of materials in accordance with Subsection 373.
- f. Except for ILFs and ALFs, (which are included in Section [758](#)), one additional off-street parking space per bedroom shall be required whenever residential units are permitted. The total number of dwelling units shall not exceed six (6) dwelling units on any site. If there will be more than two (2) dwelling units, then at least 30 percent of the total number of units shall be limited to one bedroom.
- g. Commercial sales and services uses may be allowed pursuant to the standards for approval for a Special Permit in accordance with Section 1000 and the following requirements of the Service Business zone:
 - 1. The property is served by public water and sewer;
 - 2. The property is at least three acres in size;
 - 3. The property is within 1000 feet of the Central Business District (CBD).
- i. Pedestrian sidewalks shall be required along the Boston Post Road.

757.1. Special Controls and Design Standards for Small Lots in Existence on January 1, 2010.

Development and redevelopment of lots in existence on January 1, 2010, that do not comply with the minimum lot width, frontage or lot depth requirements set forth in Section [756](#) shall be permitted by Special Permit, and shall be subject to Section 1000 and the following additional special controls:

- a. The Commission may reduce the minimum setbacks, landscaping, screening and buffer areas required by Note b of Section [756](#) and Sections 900 to 909.2, where the Commission finds that the proposed screening and landscaping provide adequate screening from adjacent residential parcels.

- b. Solid fencing and/or dense evergreen vegetation shall be required along rear lot lines adjacent to or within 100 feet of residential zones.
- c. The Commission may reduce the minimum rear yard to not less than four feet, provided the Commission makes the following findings:
 - 1. Existing topographic features on or adjacent to the site minimize impacts on adjacent residential properties, and
 - 2. Fencing, landscaping and screening shall be sufficient to minimize impacts to adjacent residential properties.
- d. The Commission may allow Building Coverage up to 35 percent and Developed Site Area up to 85 percent where the property is located within 1,000 feet of the Central Business District (CBD), and the Commission finds that the proposed development shall include sufficient fencing, landscaping, screening, and site drainage to reduce impacts to abutting residential and commercial properties.
- e. Uses allowed in the Central Business District (CBD) may be allowed by Special Permit on property located within 1,000 feet of the CBD.
- f. Where the provisions of this Section 757.1 shall conflict with any other provisions of the Zoning Regulations, the provisions of this Section 757.1 shall govern.

758. Assisted Living Facility (ALF) and Independent Living Facility (ILF)

- a. An ALF, ILF, or combination thereof shall include rooms for use by the occupants such as common rooms, laundry, entertainment facilities, common dining area(s) with kitchen and supportive food preparation areas, administrative offices, a convenience store for the residents of the facility, and areas for periodic medical examination, limited treatment and therapy, or similar uses.
- b. The minimum lot area for an ALF, ILF or combination thereof shall be five (5) acres. The minimum side yard shall be 20 feet. The minimum front landscape depth shall be 30 feet. All additional requirements of Section 756 are applicable.

- c. The average gross floor area of all private residential units in an ALF, ILF, or combination thereof shall be not less than 400 square feet, or more than 1,000 square feet.
- d. Each ALF, ILF, or combination thereof shall be connected to public sanitary sewers and served by public water supply.
- e. Maximum gross floor area ratio shall be 0.40 of the total land area of the site.
- f. At least 300 square feet of usable open space shall be provided on the site for each private residential unit. The Planning and Zoning Commission may require that a conservation easement be conveyed for this required open space.
- g. To accommodate the parking needs of the residents, visitors, and staff providing services to the occupants, the following minimum off-street parking shall be provided: 0.9 parking spaces per ILF or ALF residential unit.
- h. Off-street parking design standards and buffering per Sections 226, 900 et. seq. and 940 et. seq. shall be applicable, except that the Commission may waive or reduce such requirements where it determines that such waiver or reduction will have no adverse impact on abutting residential properties.
- i. At least one off-street unloading facility shall be provided per Sections 909.1c and 909.2a-g.

SECTION 760. DESIGNED BUSINESS (DB)

761. Background and Purposes

This zone is intended to allow, in appropriate locations, for secondary-level concentrations of business uses which help address the needs of the community. Special measures have been established to protect and preserve the existing qualities and character of each area; to promote development compatible with surrounding residential districts; to allow existing non-conforming businesses to continue and improve their business; and to minimize traffic circulation, parking and related problems.

This zone may allow Assisted Living Facilities, Memory Care Facilities or a combination thereof via Special Permit if certain requirements and standards are met. Due to the nature of these types of facilities and the need for economies of scale, extra height and bulk shall be permitted for these types of businesses subject to the requirement that sufficient open space be set aside for the use of the residents.

762. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. All uses permitted in the R-1/2 Zone.
- b. Public and semi-public buildings and/or uses.
- c. Business and professional offices.
- d. Medical or dental offices.
- e. Maintenance, continuance and replacement of commercial sales and service facilities legally existing as of the effective date of these Regulations. Any reconstruction or reestablishment shall be limited in all respects to the size, nature and intensity previously approved and existing on the site. Establishment of new commercial sales and service facilities shall only be permitted by Special Permit in accordance with Section 764a.

DB-1 and DB-2 zones are proposed to be merged to remove distinctions and create additional opportunities for appropriate development / redevelopment.

Limitations on the maximum floor area of office uses (DB-1 and DB-2) have been eliminated.

If the PZC wishes to retain these requirements, this would be a good time to do it.

763. Permitted Accessory Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.

764. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Commercial sales and services generally requiring external storage or activity..
- b. Protected Town Landmarks.
- c. Indoor recreation facilities.
- d. Clubs or lodges.
- e. Assisted Living Facility, Memory Care Facility or a combination thereof (see Section 767).
- f. Dwelling units located on upper floors.
- g. Personal service businesses.
- h. Any single structure exceeding 8,000 square feet of gross floor area.

Converted a limitation on building size in the DB-2 zone to a requirement for a Special Permit to enable review of building size.

765. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	60
3. Minimum Lot Frontage	60
4. Minimum Lot Depth	100
5. Minimum Front Yard	20 (See Note b)
6. Minimum Side Yard	4 (See Note c)
7. Minimum Rear Yard	25 (See Note d)
8. Maximum Height in Stories	2
9. Maximum Height in Feet	28
10. Maximum Building Coverage	Determined by FAR
11. Minimum Front Landscape Depth	20
12. Maximum Developed Site Area	80%
13. Minimum Setback from Any Residential or DOR Zone	25
14. Maximum Floor Area Ratios (for lots of 0.6 acres in size or more)	0.40 of the first 10,000 SF of lot area plus 0.20 of all lot area over 20,000 SF
15. Maximum Building Coverage (for lots of less than 0.6 acres in size--For mixed-use and commercial projects on contiguous lots, coordinated development shall be treated as a single parcel for these properties).	25%
16. Maximum Floor Area of all Dwelling Units (see Note f)	1,000 sq. ft. (See Note e.)

The consolidation of the DB-1 and DB-2 zones would result in the following reductions in dimensional standards in the DB-2 areas:

- Minimum lot area (0.5 acres to none)
- Minimum lot width (80 feet to 60 feet)
- Minimum lot frontage (80 feet to 60 feet)
- Minimum front yard (30 feet to 20 feet)
- Minimum side yard (15 feet to 4 feet)
- Minimum front landscape depth (30 feet to 20 feet)

The consolidation of the DB-1 and DB-2 zones would result in the following increases in dimensional standards in the DB-2 areas:

- Maximum developed site area (70% to 80%)

The consolidation of the DB-1 and DB-2 zones would result in the following increases in dimensional standards in the DB-1 areas:

- Maximum floor area ratio (0.10 to 0.20 for all lot area above 20,000 SF)

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line is at least 75 feet. On streets of less than 50 feet width the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings is greater or less than minimum requirement.

Where the lot is a corner lot, the front yard setback on a street which is not Boston Post Road may be reduced from twenty (20) feet to ten (10) feet by Special Permit.

- c. As specified above, except that at least 25 feet shall be provided where the side yard furnishes vehicular access to the rear, and except that the Commission, in approving a site plan, may permit a building to abut a side line where it finds such creates a better plan.
- d. As specified above, except as follows:
 - (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone.
 - (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.
- e. If more than 2 dwelling units, then at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required. The total number of dwelling units shall not exceed 6 dwelling units on any site of 20,000 square feet or less, and seven (7) dwelling units on any site greater than 20,000 square feet.
- g. For additions to existing Assisted Living Facilities and/or Memory Care Facilities, the following provisions shall apply in lieu of their respective requirements in the above table in Section [765](#):

8. Maximum Height in Stories	3
9. Maximum Height in Feet	32
10. Maximum Building Coverage	35% of total lot area
12. Maximum Developed Site Area	75%
14. Maximum Average Floor Area Ratios	Not applicable
1. Maximum Floor Area for each private residential unit	800 square feet.

Due to the nature of the Assisted Living Facility and/or Memory Care Facility use, the Special Controls in Section 626a shall not apply.

766. Special Controls

- a. Special provisions may be applied for the protection and preservation of existing structures and features subject to the requirements of Section 1000, as follows:

- (1) An existing lot and/or structure which is non-conforming with respect to any of the requirements set forth herein, may be altered, added to, or rebuilt on the same site provided that such addition, alteration or reconstruction shall not increase the existing non-conforming status of the property and otherwise shall comply in all respects with these Regulations.
- (2) In order to permit the reasonable use of land and existing structures within this district, the Commission may modify access drive standards and/or requirements for layout and construction of parking areas, including their location on the site, subject to determining that no traffic or public safety hazards shall result and that the purposes of this district shall be met.

These provisions shall apply exclusively to the use and development of existing structures within the district which do not exceed 3,000 square feet in gross floor area.

- b. No off-street parking areas shall be permitted between the street line and the front of the building.
- c. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- d. Display or storage of materials shall be in accordance with Subsection 373.
- e. All uses shall be subject to Site Plan Approval in accordance with Section 1020. The following additional requirements shall apply:
 - (1) A colored rendering of the proposed structure(s) drawn from a perspective representing a view from street level and illustrating at least two facades of the building;
 - (2) Elevation drawings for each side of the building;
 - (3) Color photographs of existing development a minimum distance of 200 feet to either side of the subject site;

Section 944 of the Regulations requires a 25 foot buffer along all boundaries of a lot abutting a residential district.

If the PZC wishes to modify this requirement, this would be a good time to do it.

- (4) Presentation of an architectural style which shall enhance and contribute to the historic and architectural character of the site and the surrounding area;
- (5) Buildings designed to enhance and contribute to special design features of the area including the historic and public buildings and the natural environment.
- (6) Samples of the finishing materials to be used on the exterior.

- f. Accessory structures shall be allowed, subject to the area and bulk requirements set forth in section 406 for the residential zone that abuts the site, provided that the Commission finds that the accessory structures do not unreasonably impact abutting residential properties. The minimum yard adjacent to single-story parking garages, whether individual garage spaces or grouped, shall be a minimum of three feet, provided that the Commission finds that the parking garage and turning area will be appropriately screened from, and not unreasonably impact, adjacent residential properties.

767. Assisted Living Facility (ALF) and Memory Care Facility (MCF)

- a. An ALF, MCF or combination thereof shall include common rooms for use by the occupants such as living rooms, laundry, entertainment facilities, dining areas, beauty parlor, library, and kitchen facilities. An ALF, MCF or combination thereof shall also include administrative offices, service facilities, and areas for wellness, periodic medical examination, therapy, or similar uses.
- b. All Area and Bulk Requirements and Special Controls in Sections 765 and 766 shall control.
- c. The gross floor area of a private residential unit in an ALF, MCF or combination thereof shall be not less than 320 square feet.
- d. Each ALF, MCF or combination thereof shall be connected to public sanitary sewers and served by public water supply.

- e. At least 300 square feet of usable open space shall be provided for each private residential unit. The Planning and Zoning Commission may require that a conservation easement be conveyed for this required open space. Some or all of the open space may be located on the same lot but in an adjoining zone at the discretion of the Planning and Zoning Commission.
- f. To accommodate the parking needs of the residents, visitors, and staff providing services to the occupants, the following minimum off-street parking shall be provided: one space for each employee per maximum shift; plus 0.33 spaces for each ALF unit and 0.25 spaces for each MCF unit.
- g. Off-street parking design standards of Sections 226 and 900 shall be applicable.
- h. At least one off-street unloading facility shall be provided per Sections 909.1c and 909.2a-g.

SECTION 770. DESIGNED COMMERCIAL ZONE (DC)

The DC zone is intended to remain due to the unique situation of Goodwives Shopping Center.

771. Background and Purposes

This zone is intended to provide for secondary level concentrations of retail uses which are deemed to be necessary to provide for the needs of the community. Within this zone, there is less emphasis on pedestrian circulation than in the Central Business District. Emphasis is on quality of design, compatible land use patterns, and intensity of development which is compatible with surrounding residential districts.

772. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services.
- b. Business and professional offices, where such uses shall be located on the upper floor of a structure.
- c. Public and semi-public buildings and/or uses.
- d. Medical or dental offices.

773. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.
- d. The outdoor storage and sale of seasonal merchandise on a temporary basis.

774. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Protected Town Landmarks.
- b. Restaurants, ~~provided that such uses contain at least 800 square feet of indoor floor space devoted to customer seating area.~~
- c. Any ~~permitted~~ use involving the sale of prepared foods whether intended for consumption on or off the premises.
- d. Dwelling units located on the second floor of ~~a~~ building.
- e. Certain Business and Professional Offices on the first floor provided they are limited to those service types of uses such as real estate, insurance, and securities brokerages; leasing; mortgage banking; banking; travel services and the like, and further provided that the parking ratio for those uses shall be equivalent to that for Commercial Sales and Services.
- f. Indoor recreation facilities.
- g. Personal service businesses.
- h. Clinics, medical and/or dental.
- i. Financial services with drive-through operations.

775. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

- a. Food Service, Convenience

776. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	1 acre (43,560 sq. ft.)
2. Minimum Lot Width	150
3. Minimum Lot Frontage	150
4. Minimum Lot Depth	150
5. Minimum Front Yard	None (See Note a)
6. Minimum Side Yard	None (See Note b)
7. Minimum Rear Yard	50
8. Maximum Height in Stories	2
9. Maximum Height in Feet	28
10. Maximum Building Coverage	20%
11. Minimum Front Landscape Depth	6 unless structure is located on street line
12. Maximum Developed Site Area	80%
13. Maximum Floor Area of each Dwelling Unit	1,000 sq. ft. (See Note 777 e).

Notes:

- a. None, except where the front of the property abuts or is adjacent to a residential district, the front yard shall be equal to the Residential Zone front yard requirements. No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings is greater or less than minimum requirement.
- b. None, except as follows:
 - (1) If a side yard is provided, it shall be at least four feet, except where access to parking space is provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access is provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
 - (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.

777. Special Controls

- a. Parking areas may extend to within 10 feet of a rear lot line except where it abuts a Residential Zone, in which case the rear yard requirement shall apply.
- b. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- c. All uses shall be subject to Site Plan Approval in accordance with Section 1020.
- d. Display or storage of materials in accordance with Subsection 373.
- e. If more than two dwelling units, then at least 30% of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required. The off-street parking space must be located within the Designed Commercial Zone and not within the required buffer area or adjacent residential zone. The total number of dwelling units shall not exceed six dwelling units on any site.

SECTION 780. NEIGHBORHOOD BUSINESS ZONE (NB)

781. Background and Purposes

This zone is intended to provide local neighborhoods with conveniently located, controlled zones in which needed and desirable commercial sales and services, public and semi-public buildings and/or uses and other similar services can be offered in a manner which will not be detrimental to the surrounding residential area.

782. Permitted Principal Uses

The following uses shall be permitted subject to approval in accordance with Section 1020:

- a. (reserved)

The current language for the NB Zone describes an “internal use” and a “permitted use” but requires PZC review. This is more like a Special Permit and so uses have been moved to Section 784.

783. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use and specifically approved by the Commission.
- c. Off-street parking and loading facilities in accordance with Section 900.

784. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 provided the Commission shall also, in its sole judgment, determine that the proposed use shall:

- principally serve the local neighborhood, and
- be compatible with the character of, and shall not be detrimental to, the surrounding residential neighborhood:

- a. Commercial sales and services.
- b. Public and semi-public buildings and/or uses.
- c. Any permitted use involving the sale of prepared food whether intended for consumption on or off the premises.
- d. Protected Town Landmarks.
- e. Dwelling units located on the second floor of a building.
- f. Personal service businesses.
- g. Business or professional office.
- h. Medical or dental office.

If the PZC wishes to consider allowing restaurants in the NB zone, this would be a good time to do it.

Ask PZC

Does the PZC want to allow office uses in the NB Zone at this time?

- **On any floor?**
- **Only on upper floor?**

785. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	40
3. Minimum Lot Frontage	40
4. Minimum Lot Depth	100
5. Minimum Front Yard	10 (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 (See Note d)
8. Maximum Height in Stories	2
9. Maximum Height in Feet	28
10. Maximum Building Coverage	20%
11. Minimum Front Landscape Depth	10
12. Maximum Developed Site Area	80%
13. Maximum Floor Area of each Dwelling Unit	1,000 sq. ft. (See Note 786 d.)

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. As stated above, but no parking shall be permitted in front of any building unless the setback from the street line is at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirement where setback of existing buildings is greater or less than minimum requirement.
- c. None, except as follows:
 - (1) If a side yard is provided, it must be at least 4 feet, except where access to parking space is provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access is provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access is assured.
 - (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.

- d. As specified, except as follows:
 - (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
 - (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

786. Special Controls

- a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- b. All uses shall be subject to Site Plan approval in accordance with Section 1020.
- c. Display or storage of materials in accordance with Subsection 373.
- d. If more than two dwelling units, then at least 30% of the total number of units shall be limited to one bedroom. One off-street parking space per bedroom shall be required. The off-street parking space must be located within the Neighborhood Business Zone and not within the required buffer area or adjacent residential zone. The total number of dwelling units shall not exceed six dwelling units on any site.

SECTION 790. DESIGNED OFFICE (DO)

791. Background and Purposes

This zone is intended to provide for areas suitable for a variety of office uses and, in certain locations, for senior living facilities and other lower intensity and transitional uses in keeping with the purposes set forth in these Regulations and in the Town Plan. It is the intent that any such uses shall provide an appropriate transition to any adjacent residential areas; shall avoid the creation of environmental, traffic or other problems; and shall be in accordance with the fundamental objective of retaining the residential character of the community.

792. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Offices, business and professional.
- b. Offices, medical or dental.

793. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs as permitted in Section 920.
- b. Food service, accessory.
- c. Off-street parking and loading in accordance with Section 900.
- d. An accessory building or use, other than a parking structure, related to a principal use allowed under Section 792.

The three office zones have all been consolidated into one office district.

In the areas currently zoned DOR, office uses and accessory uses will go from Special Permit to Zoning Permit.

Ask PZC

Does the PZC want to allow medical or dental offices in the Office district (Permitted or Special Permit)?

794. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Research and design laboratories, but excluding manufacturing, processing, assembly and packaging of products for sale or distribution.
- b. Educational, philanthropic, cultural and recreational uses serving a community need or convenience.
- c. Assisted Living Facility, Memory Care Facility or combination thereof as defined in Section 767.
- d. Protected Town Landmarks.
- e. Clubs and lodges.
- f. Hotel, motel or inn.
- g. Churches and other places of worship intended primarily to serve religious needs of the local community.
- h. Clinics, medical or dental.

795. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. An accessory building or use related to a principal use allowed under Section 794.
- b. Parking structures.
- c. Outdoor display or storage of materials in any fashion.

Ask PZC

Does the PZC want to allow hotels, motels or inns in the Designed Office Zone?

Does the PZC want to allow medical or dental clinics in the Designed Office Zone?

The PZC may wish to consider allowing a parking structure by Special Permit.

796. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	<u>1 acre (43,560 sq. ft.)</u>
2. Minimum Lot Width	<u>150</u>
3. Minimum Lot Frontage	<u>75</u>
4. Minimum Lot Depth	<u>150</u>
5. Minimum Front Yard	<u>40 (See Note a)</u>
6. Minimum Side Yard	<u>10 (See Note b)</u>
7. Minimum Rear Yard	<u>35</u>
8. Minimum Setback From Any Residence Zone	<u>50</u>
9. Maximum Height in Stories	<u>2 (See Note c)</u>
10. Maximum Height in Feet	<u>35</u>
11. Maximum Building Coverage	<u>20% (See Note d)</u>
12. Maximum Floor Area Ratio	<u>Limited by other standards</u>
13. Maximum Developed Site Area	<u>80%</u>
14. Minimum Parking Setbacks	<u>(See Note e)</u>

Area and dimensional standards have been blended.

This could result in some additional development potential within the office districts.

Alternatively, the dimensional standards could be set higher with the PZC allowing reductions by Special Permit on a case-by-case basis.

Developed site area is limited to 50% in the DOR Zones at present so this is an increase.

Notes:

- a. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirement where setback of existing buildings shall be greater or less than minimum requirement.
- b. As specified above, except that at least 25 feet shall be provided where the side yard furnishes vehicular access to the rear, and except that the Commission, in approving a Site Plan, may permit a building to abut a side line where it finds such shall create a better plan.
- c. In the case of a senior living facility, a portion of the basement may be finished and used for purposes other than storage, parking, or mechanical equipment provided the area of such finished space is less than 10% of the floor area of the story immediately above and the uses are common to the users of the building such as administrative offices, lobbies, and common areas.
- d. In order to increase the amount of protected open space in town, the Commission may permit a 1% increase in Maximum Building Coverage for each additional 2% of the property protected as open space. The open space shall be of a size, location, and context to provide conservation value and shall be permanently protected by a legal instrument acceptable to the Commission. Open water/lake shall not count towards such open space. In such cases, Maximum Building Coverage shall not exceed 25%.
- e. Parking areas shall be set back at least 10 feet from street line, five feet from side line (except where common or shared parking shall be permitted), and 25 feet from a Residential Zone.

797. Special Controls

- a. All uses shall be subject to Site Plan Approval in accordance with Section 1020.
- b. Landscaping, screening and buffer areas shall be provided in accordance with Section 940 except that the Commission may waive or reduce such requirements where it finds that the adjacent land is railroad or Connecticut Turnpike rights-of-way, or that the adjacent land is public land (except streets as defined herein) of the State or of the Town. .
- c. Off-street parking shall be provided in accordance with Section 226 and Section 900. However, in approving a plan, the Commission may permit a portion of the required spaces to be developed as landscaped open space if the applicant can demonstrate to the Commission's satisfaction that the additional open space can be used for parking if subsequently needed and where it finds that the lesser number of parking spaces to be developed shall meet the applicant's actual parking needs.
- d. Unless specifically approved by the Commission, no grading which results in changing the land contour by more than six inches shall occur within 25 feet of any property boundary except as the area of disturbed contour shall be appropriately planted and maintained with a natural screening of evergreen shrubbery.
- e. Any subdivision of land shall prepare and submit a master parking and access plan demonstrating how parking will be provided for all lots while limiting curb cuts and maintaining or increasing the efficiency of parking lots. Separate driveways providing access from a street shall be spaced not less than 150 feet apart.
- f. Where the site adjoins the railroad or the Connecticut Turnpike, the Commission may permit a reduction of either the required minimum width or the required minimum depth, but not both, to not less than 200 feet, where it finds that to do so shall result in a better site layout or a more favorable relationship to an existing residential neighborhood.
- g. Research and other permitted activities shall not result in any effect or sensation perceptible beyond the exterior of a building. Hours of operation may be made a part of any Special Permit.

- h. The exterior facades of all buildings shall be of a finished quality on every side (such as brick, stone, wood or glass), and architecturally harmonious in design as evidenced by plans prepared by a professional architect or designer. Loading ramps and utility features, if permitted, shall be placed at the side or at the rear, and completely shielded as seen from the public view.
- i. The Commission shall find that the potential generation of traffic shall be within the reasonable capacity of all existing or planned streets providing access to the site.
- j. In approving any Site Plan, the Commission may permit a reduction in any specified yard or setback requirement by not more than 25 percent, or a driveway to be placed not closer than five feet to a lot line where the abutting property is not used for residential purposes.
- k. In approving any Site Plan, the Commission may permit the specified minimum side and rear yards to be reduced to not less than 20 feet, where it finds that the adjacent land is railroad or Connecticut Turnpike rights-of-way, or that the adjacent land is public land (except streets as defined herein) of the State or of the Town.

The following existing text has been eliminated:

- **limiting the number of tenants in a building,**
- **limiting the maximum size of each operation in number of employees, square feet of floor space, or other appropriate measures as it deems necessary to limit the potential generation of traffic on public streets or prevent an adverse effect on the public safety and welfare.**

Part 2 – Definitions

These are new or changed definitions to be included in Section 210.

Clinic, Medical and Dental - A facility which primarily provides space for the treatment of patients (walk-in clinic, dialysis center, out-patient surgery center, imaging center, etc.) rather than the professional practice of individual doctors, dentists, and/or other licensed health care professionals.

Commercial Sales and Service - A business or use where products or services are sold or dispensed at retail, wholesale or any other medium or mechanism of trade. For purposes of these regulations, the addition of the terms "internal" or "external" further qualifies this term. This also includes Financial Service uses. Other uses defined in this Section 210 shall not be considered part of this definition.

Food Service, Convenience - A retail sales facility that has incidental sales of beverages, sandwiches and other prepared foods to be consumed primarily off-premises and may have a seating capacity of not more than eight persons or ten percent of the customer accessible floor area, whichever is greater. Standing room at eating counters shall represent one seating space for every two lineal feet of counter. For the purposes of this definition, customer accessible floor area is the area of the building physically and routinely accessed by customers, including display areas, seating areas, and bathrooms.

Hotel, Motel or Inn - A building, or portion thereof, containing rooms occupied primarily by transients who are lodged with or without meals, and in which there are certain public rooms and halls for the use of all guests, and in which are provided such services as are incidental to the use thereof as a temporary residence.

Inn - See "Hotel, Motel or Inn".

Motel - See "Hotel, Motel or Inn".

Offices, Administrative and Executive — An office facility which is designed to serve a headquarters or central administration type function and is not designed or oriented to provide goods and services directly to the local public. Parking facilities shall be used on a non-transient basis. In order to minimize the impact on traffic and parking by such facilities on neighboring residential areas, the Commission shall have the right to impose a limit of one employee per 250 square feet.

Offices, Business and Professional - A facility which provides office space for businesses and/or professional persons such as lawyers, real estate agents, architects, engineers, and similar non-medical professionals.

Offices, Medical or Dental - A facility which primarily provides space for the professional practice of individual doctors, dentists, licensed therapists, and/or other licensed health care professionals in their treatment of patients. (see Clinic, Medical and Dental” also.

Personal Service Business – A business business or use which provides a form of service such as a barber, hair salon, nail salon, fitness studio, day spa, dry cleaners, business service, or craftsman but not including the sale of products except where incidental to the principal service-oriented use.

Public and Semi-Public Buildings and/or Uses – Buildings and/or uses such as churches, libraries, post offices, and facilities of the Town, the State, or the U.S. Government.

Restaurant - A business or use whose principal function is the preparation and serving of food for consumption on the premises within the confines of the building and normally served at tables, booths or similar sit-down accommodations but not including a night club or facility whose principal function is entertainment. This shall specifically exclude drive-through operations and/or outside dining unless specifically approved by the Commission by Special Permit.

Self-Storage Facility - A facility consisting of individual, indoor self-storage units for the storage of business, personal or household goods as well as the indoor and/or outdoor storage of boats, cars, trailers, recreational vehicles and small trucks, rented or leased on an individual basis and related services. This use shall be for those who are to have access to such units for storing and removing personal property only, and not for residential purposes. When specifically approved by the Commission, a self-storage facility may include the outdoor storage of boats, cars, trailers, recreational vehicles and small trucks. Such a use does approval shall not allow for the rental of trailers or vehicles, or the outdoor storage of construction equipment. All outdoor vehicle storage shall be for licensed, registered vehicles.

Part 3 – Parking Requirements

These are new or changed parking requirements to be included in Section 904.

904. Off-Street Parking Spaces

Except as provided by Section 1000 and Subsection 1057, with respect to additional requirements as a condition for issuance of a Special Permit, the minimum off-street motor vehicle parking facilities shall be provided as follows:

f. Hotel, Motel or Inn	<u>1.1 spaces</u> for each guest room plus additional space as required by these regulations for permitted accessory uses such as restaurants, dining rooms, lounges, and other similar spaces.
h. Restaurant or place dispensing food excluding patron bar area <u>(For convenience food service, see item 904.j below)</u>	1 space for each 100 sq. ft. of gross floor area. There is no parking requirement for areas in the basement or attic that are used exclusively for storage.
j. Retail, commercial sales and services, personal service business, <u>and/or convenience food service</u>	1 space for each <u>200</u> sq. ft. of gross floor area except where such areas are specifically exempted as per Section 1057.
i. Medical / <u>Dental</u> Offices <u>and/or Medical / Dental Clinic</u>	1 space for each <u>200</u> sq. ft. of gross floor area. <u>In the DB-1 and DB-2 zones, the requirement shall be 4 spaces per physician and one space for each employee.</u>
m. <u>Executive and/or administrative, Business</u> and professional offices	1 space for each 250 sq. ft. of gross floor area
r. <u>Reserved</u> Furniture and Carpet Stores	<u>Reserved</u> 6 spaces for each 1,000 sq. ft. of gross floor area.
s. <u>Reserved</u> Dinner Theater	<u>Reserved</u> 1 space for each 3 seats or customer stations for which the facility is designed, plus 1 space for each employee station.

w. Self-storage Facility	<p>4 outdoor parking spaces for the first 10,000 square feet of storage building, plus one additional parking space for each 10,000 square feet of storage building, or portion thereof. Required parking may be in front of storage units and/or parallel to the building to facilitate loading and unloading, and shall comply with all dimensional and layout requirements.</p> <p><u>Spaces as may be approved by the Commission for the outside storage of vehicles, boats, trailers, recreational vehicles or small trucks shall not be considered as satisfying the above requirement.</u></p>
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Part 4 – Other

1. Modifications to the Special Permit Criteria are not included at this time. See pages 36-39 in the May 9 memorandum to the PZC for more information on this matter.
2. Modifications to language in the Zoning Regulations to better clarify the permit process are not included at this time. See page 35 in the May 9 memorandum to the PZC for more information on this matter.
3. Specific zoning district boundary changes will be presented at a future date.
4. In addition to some modifications to existing zones and boundaries, it is also anticipated that some properties could be rezoned to the Municipal Use (MU) District as provided for in Section 420 of the Regulations:
 - Library
 - Police Station
 - Public Works Garage
 - Town Hall
 - Fire Stations
 - Old Town Hall Homes
 - Post 53
 - Town Schools
 - Old Library / Current BOE Building(Leroy Avenue)

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